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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/524,734

09/16/2005

Adele Whish-Wilson

AAR04-GN002

1581

30074

7590

10/28/2008

TAFT, STETTINIUS & HOLLISTER LLP

SUITE 1800

425 WALNUT STREET

CINCINNATI, OH 45202-3957

EXAMINER

SAINT CYR, JEAN D

ART UNIT

PAPER NUMBER

2425

MAIL DATE

DELIVERY MODE

10/28/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/524,734	<b>Applicant(s)</b> WHISH-WILSON ET AL.	
	<b>Examiner</b> JEAN D. SAINT CYR	<b>Art Unit</b> 2425	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,6-15 and 20-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,6-15 and 20-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____.  | 6) <input type="checkbox"/> Other: ____.                          |

## **DETAILED ACTION**

### **Objection**

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: claims 1 and 15 are objected to because of the following informalities: the term “ computer readable medium ” is not part of the specification.

### **U.S.C 112, Second Paragraph**

The term “ substantially ” in claims 1 and 15 is a relative term which renders the claims indefinite. The term “substantially” is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. That term makes the claims vague and indefinite.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim(s) 15, 20-27 are rejected under 35 U. S. C. 101 because the claimed invention is directed to non-statutory subject matter as follows:

Claims 15, 20-27 are rejected under 35 U.S.C. 101 because the claims recite a computer program code store on a computer readable medium; it appears the system prescribes only instructions for receiving a stream of video data and instructions for transmitting a snapshot image to one or more remote viewers that yield no physical transformation that would lead to a useful, concrete and tangible result, like displaying data, with respect to a practical/real world application. See MPEP 2107 and Interim Guidelines, Annex II (ii-v).

### **Response to Amendment**

This action is in response to applicant's amendment filed on 06/05/2008. Claims 1, 6-15, 20-27 are still pending in the current application. Claims 2-5, 16-19 were cancelled. **This action is made NON-FINAL.**

### **Response to Arguments**

Applicant's arguments were fully considered, some of them were persuasive. And a new rejection follows.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 13, 14, 15, 26, 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seeley et al in view of Taniguchi, Us. Pat. 20040267788.

Re claim 1, Seeley et al disclose receiving at a receiver a stream of video data transmitted from a video camera (see fig.1);

receiving and monitoring the stream at a server connected to the receiver (see fig.1, site control unit; during the monitoring period, the SCU sequentially cycles through each of the cameras obtaining images from each, col.11, lines 29-30) .

transmitting the stream from the server to one or more remote viewers over a

communications network (see fig.1; the data is then routed through the computer server to one of the workstations 106, col.16, lines 25-27); and

But Seeley et al did not explicitly disclose transmitting a snapshot image to one or more remote viewers in response to the detection in the stream, of a repetition of substantially static image in the stream.

However, Taniguchi et al disclose the image processor also performs image analysis to detect if static image data contains such moving bodies as a person or not, and outputs the result thereof to meta data processor 106 together with image attribute information, 0080.

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to introduce image analysis into the system of Seeley, as taught by Taniguchi, for the purpose of allowing the system to transmit snapshot image to viewer whenever static image is detected in the stream.

Re claim 13, Seeley et al disclose further including the step of storing each transmitted snapshot image at a client device of the viewer for retrieval and viewing (see fig.1, video server to store contents at the receiving side).

Re claim 14, Seeley et al disclose wherein the resolution of the snapshot image is higher than the resolution of the frames in the stream (transmission of snapshots is at a slower rate using lossless compression techniques and full RS170 resolution, col.15, lines 39-41; that means higher resolution was used for snapshot).

Re claim 15, see rejection on claim 1.

Re claim 26, see rejection on claim 13.

Re claim 27, see rejection on claim 14.

Claims 6-12, 20, 21, 22, 23, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seeley et al in view Taniguchi further in view of Harigaya et al, US No. 5583791.

Re claim 6, Seeley et al did not explicitly disclose wherein the substantially static image is detected by comparing a frame to a plurality of other frames in the stream, wherein the substantially static image is detected when the frame is similar to each of the other frames.

However, Harigaya et al disclose the movement detector 39 compares the image data of the adjacent frames of the video signal. When the difference is small, it is determined that the image is an image without a movement, still image, col.14, lines 4-9.

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to modify the system of Seeley to introduce detection after comparison, as taught by Harigaya, for the purpose of allowing the system to detect static image after comparing a frame with other frames in the stream.

Re claim 7, Seeley et al disclose wherein the frame was captured by the video camera after each of the other frames (see fig.1; snapshots are taken from the frames produced by whichever camera is selected at a particular time, col.13, lines 9-11).

Re claim 8, Seeley et al explicitly disclose including the frame in the plurality of other frames after it has been compared to the plurality of other frames; and removing a frame from the plurality of other frames (the oldest snapshot is discarded to make room in the buffer for the most recent snapshot, col.13, lines 17-22).

Re claim 9, Seeley et al disclose wherein the frame removed from the plurality of other frames is the earliest frame captured by the video camera (the oldest snapshot is discarded to make room in the buffer for the most recent snapshot, col.13, lines 19-22).

Re claim 11, Seeley et al explicitly disclose wherein the snapshot image transmitted to the viewer is an average frame calculated from the frame and each of the other frames (see fig.8b; rather than taking every fourth pixel, a thumbnail can also be created using pixel averaging techniques to create a thumbnail of the same 128\*120 size, col.18, lines 31-34; that means averaging technique was used).

Re claim 12, Seeley' et al explicitly disclose comparing the frame to the most recently transmitted snapshot image ( Processor 30 looks sequentially at an image from each camera 22, and compares that image to a prior stored image from the same camera, col.11, lines 39-42); and transmitting a further snapshot image only when the frame and the most recently transmitted snapshot image are sufficiently different (when an intrusion is detected, full resolution snapshots of the intrusion are transmitted to the central station for viewing by the operator, col.21, lines 1-3; that means whenever there is any difference in stream, snapshot is transmitted).

Re claim 20, see rejection on claim 6.

Re claim 21, see rejection on claim 7.

Re claim 22, see rejection on claim 8.

Re claim 23, see rejection on claim 9.

Re claim 25, see rejection on claim 11.

Claims 10, 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seeley in view of Taniguchi further in view of Harigaya and further in view of Sekiguchi et al, US No. 20010004739.

Re claim 10, Seeley et al did not explicitly disclose wherein the frame is determined to be

similar to another frame notwithstanding differences between the frames, where those differences are within a prescribed difference tolerance.

However, Sekigushi et al disclose wherein the frame is determined to be similar to another frame notwithstanding differences between the frames, where those differences are within a prescribed difference tolerance (the user can perform the similarity retrieval based on the characteristic descriptor sets attached to each image, 0166).

Therefore, it would have been obvious for any person of ordinary skill in the art at that time the invention was made to implement wherein the frame is determined to be similar to another frame notwithstanding differences between the frames, where those differences are within a prescribed difference tolerance into the system of Seeley in view of Taniguchi further in view of Harigaya for the purpose of allowing the system to differentiate frames according to the data associated with them.

Re claim 24, see rejection on claim 10.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean Duclos Saintcyr whose phone number is 571-270-3224. The examiner can normally reach on M-F 7:30-5:00 PM EST. If attempts to reach the examiner by telephone are not successful, his supervisor, Brian Pendleton, can be reached on 571-272-7527. The fax number for the organization where the application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free). If you



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would like assistance from a USPTO Customer Service Representative or access to the automated information system, dial 800-786-9199(IN USA OR CANADA) or 571-272-1000.

Jean Duclos Saintcyr

/Brian T. Pendleton/

Supervisory Patent Examiner, Art Unit 2425